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3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**
5

6 IN RE COMPLIANCE
7 WITH RCW 42.17

) PDC CASE NO.: 03-068
)

8 WASHINGTON STATE DEMOCRATIC
9 CENTRAL COMMITTEE

) **FINAL ORDER IMPOSING FINE**
)

10 Respondent.
11 _____)

12 **INTRODUCTION**

13 The Washington State Public Disclosure Commission (Commission) conducted an
14 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on
15 October 29, 2002 and December 4, 2002, with respect to the above-encaptioned matter.
16 The Commission convened the hearing at the Evergreen Plaza Building, Room 206, 711
17 Capitol Way South, in Olympia, Washington. The hearing was completed on December 4,
18 2002 at the Doubletree Suites, 16500 Southcenter Parkway, Seattle, WA. The Respondent
19 was represented by Kevin Hamilton, Counsel. The Staff appeared through Susan Harris,
20 Assistant Director and Linda A. Dalton, Senior Assistant Attorney General. The
21 Commission held the hearing to determine whether the Respondent violated RCW
22 42.17.090(1)(l) by failing to forfeit a contribution it received from the Democratic Party of
23 Oregon (DPO), after the DPO failed to timely file PDC C-5 form. Commissioner Lois
24 Clement recused herself from this deliberation.
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1 During the October 29, 2002 hearing, the Staff presented, for the Commission's
2 consideration, the parties' Stipulation of Facts and Violation dated October 29, 2002. The
3 Respondent and Staff stipulated that the Respondent committed a single violation of RCW
4 42.17.090(1)(l). The parties' Stipulation is attached to this Order and is incorporated herein
5 by reference. The parties were unable to jointly recommend an appropriate penalty for
6 Commission consideration. The Commission heard oral argument from the parties
7 concerning an appropriate penalty.
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9 At that hearing, the Chair asked that the parties to provide additional briefing
10 regarding the Commission's penalty authority and continued the matter to December 4,
11 2002. The Commission considered the additional briefings at its meeting on December 4,
12 2002, and concluded that it had the authority to exercise its discretion in assessing a penalty
13 within its statutory limits in this matter.
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15 16 **FINDINGS**

17 Based on the record submitted in this matter, the Commission finds as follows:

- 18 1. That the Stipulation of Facts and Violation is accepted;
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20 2. That the Respondent committed a single violation of RCW 42.17.090(1)(l) for
21 failing to forfeit a contribution in the amount of \$20,000.

22 **ORDER**

23 Based upon the above findings, the Commission orders as follows:

- 24 1. That a total civil penalty of \$1,000 is assessed against the Respondent;
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2. That \$500 of the penalty is suspended on the condition that the Respondent commits no further violations of RCW 42.17.090(1)(l) for a period of four years from the date of the order.

RECONSIDERATION

Any party may ask the Commission to reconsider this final order. Parties must place their requests for reconsideration in writing, include the specific grounds or reasons for the request, and deliver the request to the Public Disclosure Commission Office within TEN (10) days of the date that the Commission serves this order upon the party. Pursuant to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the petition for reconsideration if, within twenty (20) days from the date the petition is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court.

APPEAL RIGHTS

Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston County or the petitioner's county of residence or principal place of business. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within 30 days of the date that the Public Disclosure Commission serves this final order on the parties.

1 If reconsideration is properly sought, the petition for judicial review must be served
2 on the Public Disclosure Commission and any other parties within thirty (30) days after the
3 Commission acts on the petition for reconsideration. The Commission will seek to enforce
4 this final order in superior court under RCW 42.17.395-397, and recover legal costs and
5 attorney's fees, if the penalty remains unpaid and no petition for judicial review has been
6 filed under chapter 34.05 RCW. This action will be taken without further order by the
7 Commission.
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12 DATED THIS 12th day of December, 2002.
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14 FOR THE COMMISSION:

15 /s/
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17 VICKI RIPPIE, Executive Director
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